

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BARBARA S. PARRETT FAMILY
PARTNERSHIP, LTD.

Plaintiff,

-against-

QUANTUM REALTY DEVELOPMENT,
INC., WILLIAM SANTOPIETRO, FULL
VALUE CAPITAL LLC, TOP OF THE
LINE PLUMBING & HEATING CORP.,
and WORKERS COMPENSATION BOARD
OF THE STATE OF NEW YORK, “JOHN
DOE #1” through and including “JOHN DOE
#25,” the defendants last named in quotation
marks being intended to designate tenants or
occupants in possession of the herein
described premises or portions thereof, if any
there be, said names being fictitious, their true
name being unknown to plaintiff,

Defendants.

MEMORANDUM AND ORDER

Case No. 2:23-cv-04077-FB-ST

Appearances:

For the Plaintiff:

MICHAEL JOSEPH ROMANO

Romano & Associates

350 Old Country Road, Suite 205

Garden City, NY 11530

BLOCK, Senior District Judge:

On February 29, 2024, Magistrate Judge Steven Tiscione issued a Report and Recommendation (“R&R”) recommending that Plaintiff Barbara S. Parrett Family Partnership, Ltd.’s (“Parrett”) motion for a default judgment of foreclosure and sale be granted. Parrett filed this action to foreclose a mortgage on real property pursuant to section 1301, *et seq.*, of the New York Real Property Actions and Proceedings Law (“RPAPL”) against Defendants Quantum Realty Development, Inc. (“Quantum”), William Santopietro (“Santopietro”), and Top of the Line Plumbing & Heating Corp. (“Top of the Line”), individually, (collectively “Defendants”).

Defendants were served with a Summons and Complaint but never answered or responded to the Complaint. The Clerk entered a default against Defendants on August 29, 2023. Magistrate Judge Tiscione found that all service and procedural requirements had been satisfied and that the allegations set forth in Plaintiff’s Complaint stated valid claims sufficient for this Court to enter a default judgment.

On liability, Magistrate Tiscione found that by not answering Plaintiff’s Complaint or otherwise defending this action, Defendants have failed to rebut Plaintiff’s *prima facie* showing that Plaintiff is entitled to a judgment of foreclosure and sale. Accordingly, he recommended: (1) the granting of Plaintiff’s Motion for Default Judgment be granted against Defendants jointly and severally

totaling \$428,541.03 in damages, which is comprised of \$300,000.00 of unpaid principal, \$109,306.13 of unpaid interest through September 27, 2023, and \$19,234.90 in paid property taxes; (2) ordering the Foreclosure and Sale of the Property; and (3) appointing a referee to sell the mortgage premises. However, Magistrate Tiscione recommended denying Plaintiff's request for attorneys' fees.

Magistrate Tiscione's R&R stated that failure to object within fourteen days of the date of the R&R waives the right to appeal, precluding further review either by this Court or the Court of Appeals. No objections were filed. If clear notice has been given of the consequences of failing to object and there are no objections, the Court may adopt the R&R without de novo review. *See Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) ("Where parties receive clear notice of the consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.") (internal citations omitted). The Court will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here.

Accordingly, the Court adopts the R&R without de novo review and directs the Clerk to enter judgment in accordance with the R&R: 1) the granting of Plaintiff's Motion for Default Judgment be granted against Defendants jointly and

severally totaling \$428,541.03 in damages, which is comprised of \$300,000.00 of unpaid principal, \$109,306.13 of unpaid interest through September 27, 2023, and \$19,234.90 in paid property taxes; (2) ordering the Foreclosure and Sale of the Property; and (3) appointing a referee to sell the mortgage premises.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
April 1, 2024